

December 1, 2005

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th St., SW
Washington, DC 20554

Re: *Ex parte* submission of the Joint Cable Commenters in MB Docket No. 05-255

Dear Secretary Dortch:

The record in this proceeding demonstrates that while the price of the expanded basic tier of cable television service has risen in real (inflation-adjusted) terms over the past decade and more, these increases have been accompanied by substantial growth in the number of channels carried on the tier. On a per channel basis, the real price has remained relatively constant.

The great majority of the added channels are owned by the Big Four broadcasting companies, who have taken full advantage of their ability to tie carriage of their cable networks to the granting of retransmission consent for their owned and operated broadcast stations. In addition to adding channels to the expanded basic tier, retransmission consent has also been used to negotiate increases in rates charged for channels owned by the Big Four and already carried.

On the basis of the record, which includes two submissions by Dr. William Rogerson, professor of economics at Northwestern University and former FCC Chief Economist, the Commission should conclude that the unique ability of the Big Four broadcasting companies to tie retransmission consent to carriage of national and regional programming networks has been both a significant contributor to the expansion of the size and price of the expanded basic tier, and an important barrier to the creation of more diverse options for consumers of cable television.

Sincerely,



Bruce D. Sokler

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

December 2, 2005

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cc: Chairman Kevin J. Martin
Commissioner Michael J. Copps
Commissioner Kathleen Q. Abernathy
Commissioner Jonathan S. Adelstein
Heather Dixon
Jordan Goldstein
Lauren Belvin
Rudy Brioché
Donna C. Gregg
Royce Sherlock
Mary Beth Murphy
Timothy May

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